

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application of:

ROGER J. LEYDEN ET AL.

Ser. No.: 08/807,120

(U.S. Pat. 5,552,771, issued 9/3/96)

Filed: 2/19/97

RETRACTABLE SENSOR FOR AN ALARM SYSTEM

Art Unit: 2617

Examiner: A. Wong

DECLARATION OF STEVEN M. KUHN

I, Steven M. Kuhn declare that:

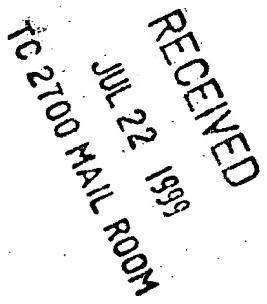
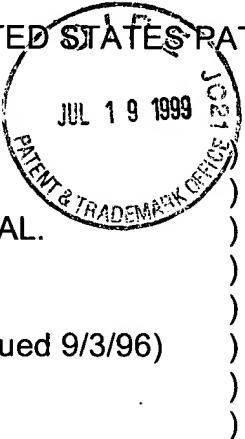
1. I am currently the Director of Loss Prevention for Bass Pro Shops, Springfield, Missouri.

2. Since August of 1986, I have continuously held employment in the field of product loss prevention.

3. From August 1986 to October 1992, I was employed by Builder's Square, San Antonio, Texas, as Regional Loss Prevention Manager - during my employment with Builder's Square, I was involved in the analysis and implementation of product security systems, including both those of a mechanical and an electronic nature.

4. From October 1992 to October 1995, I was employed by OfficeMax, Inc., Shaker Heights, Ohio, as the Director of Loss Prevention and Safety - my duties included investigation of product theft and analysis and implementation of product security systems, including both those of a mechanical and an electronic nature.

5. From October 1995 to April 1998, I was employed by Kmart Corporation, Troy, Michigan, as the Regional Director of Loss Control and in that position was



responsible for directing and monitoring the implementation and effectiveness of existing loss control programs.

6. During my employment with OfficeMax, Inc., I was responsible for coordinating the design of product displays including the implementation of security systems to avoid theft of products from the displays.

7. Implementation of security systems at OfficeMax, Inc. involved extensive investigation of mechanical and electronic systems currently available on the market.

8. Mechanical and electronic systems existing at that time employed mechanical and electronic cables directly connected to the articles on display.

9. Mechanical systems available at that time had drawbacks in that the numerous cables required on a multi-product display were visible and generally became unsightly - the mechanical system was also defeatable by severing or otherwise removing the cable, which might be done without detection.

10. Electronic systems available at that time were preferred because of their ability to detect a breach in the system as might result from the severance of an electronic cable or removal of a sensor at the cable end which is attached to a product being monitored.

11. In approximately October of 1992, I did an extensive investigation into security systems on behalf of OfficeMax, Inc., particularly for multi-product displays - my focus was on electronic systems.

12. In undertaking this investigation, I interviewed representatives from both Rokan Corporation (Rokan) and Protex International Corp. (Protex), both of which

companies design and offer product security systems, to potentially obtain from them a suitable electronic security system to be usable by OfficeMax, Inc.

13. I conveyed to the representative of both Rokan and Protex the problems with conventional electronic systems which have elongate, electronic cables in a multi-product display - aside from the fact that the conductive cables in this environment become unsightly, the multiple wires may complicate set-up of the security system and make difficult an identification of a breach or an attempted breach of that system.

14. The representatives from Rokan and Protex offered no solution to the problem of managing a plurality of elongate cables in conventional electronic systems to make such systems at OfficeMax, Inc. functional and aesthetically acceptable.

15. In approximately October of 1992, I met with Roger J. Leyden, representing Se-Kure Controls, Inc. (Se-Kure Controls), regarding an alternative system developed by Se-Kure Controls that might be useable by OfficeMax, Inc. and solve the problems identified in paragraph 13, above.

16. Mr. Leyden showed me at that time a system developed by Se-Kure Controls similar to that shown in the drawings of Attachment A hereto.

17. The system in Attachment A hereto is desirable in that the amount of exposed electronic cable connected to the products being monitored can be kept at a minimum (i.e., limited to the distance between the cable storage box and the product).

18. The product of Attachment A was purchased by OfficeMax, Inc. from Se-Kure Controls and used extensively, and was successful in terms of performance and avoiding the cable management problem, discussed above.

19. I was advised by John S. Mortimer, representing Se-Kure Controls, that Se-Kure Controls applied for a U.S. patent on the device shown in Attachment A.

20. I was further advised by Mr. Mortimer that the U.S. Patent Office refused to grant a patent to Se-Kure Controls on the device and Attachment A, alleging that that device would be obvious to one skilled in this art based on the combined teachings of U.S. Patent No. 5,341,124, (Leyden), U.S. Patent No. 4,989,805 (Burke), and U.S. Patent No. 5,124,685 (Rankin).

21. I have reviewed each of the Leyden, Burke, and Rankin patents and understand the structures shown therein.

22. Prior to October 1992, I was familiar with electronic systems, such as that shown in the Leyden patent.

23. I was also aware at that time of systems using retractable mechanical cables, such as that in the Rankin patent, although I was not specifically aware of one utilizing an electronic switch, as disclosed therein.

24. I was also aware at that time of retractable mechanisms for telephone cables, as shown in Burke.

25. I was further aware at that time of electrical wire retracting mechanisms, such as those used on ceiling mounted trouble lights in service stations, and the like.

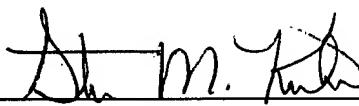
26. In spite of my knowledge of existing electronic systems and retracting systems for cables, both mechanical and electrical in nature, it never occurred to me to retract an electrical wire attached to a sensor on a security system as shown in Attachment A, as proposed by Se-Kure Controls, to improve cable management.

27. I disagree with the U.S. Patent Office's position that it would be obvious to arrive at Se-Kure Controls' structure in Attachment A hereto based on the teachings of Leyden, Burke, and Rankin.

28. Not only was it unobvious to me to arrive at Se-Kure Controls invention in Attachment A in spite of the existence of the Leyden, Burke, and Rankin structures, but it apparently was likewise unobvious to the representatives of Rokan and Protex to arrive at the structure in Attachment A -I say this because the problems associated with cable management were specifically conveyed to the representatives of Rokan and Protex by me and neither offered a viable solution as did Se-Kure Controls.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

7/14/99
Date



Steven M. Kuhn

Attachment A

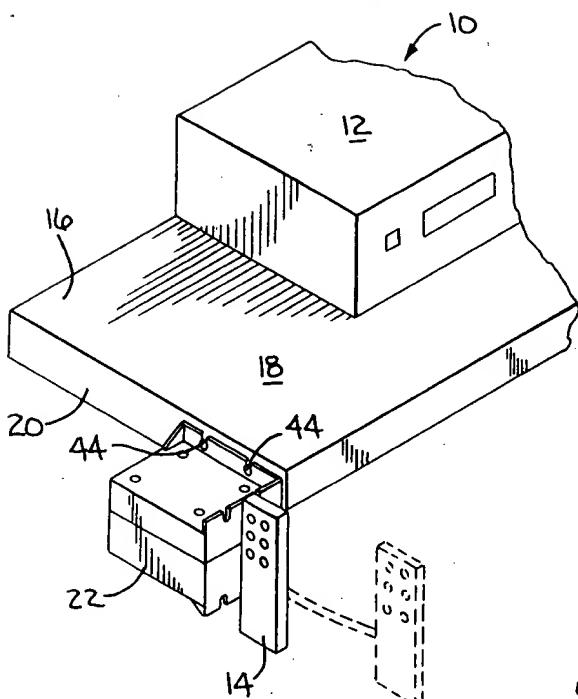


FIG. I

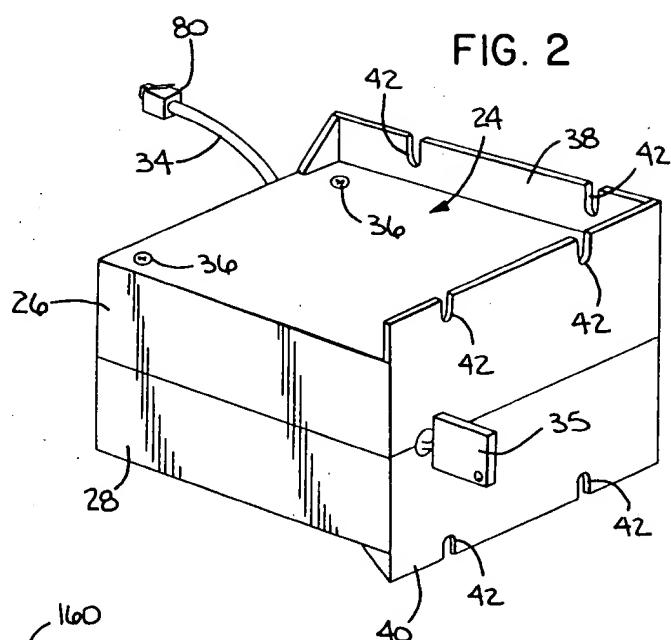


FIG. 2

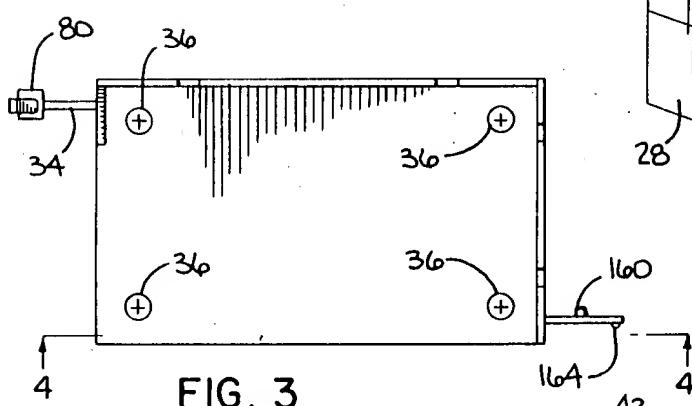


FIG. 3

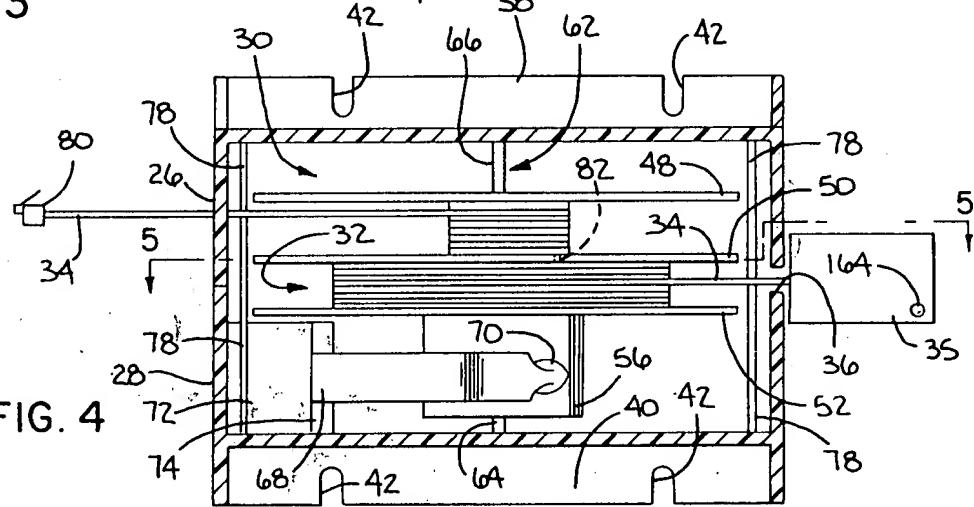


FIG. 4

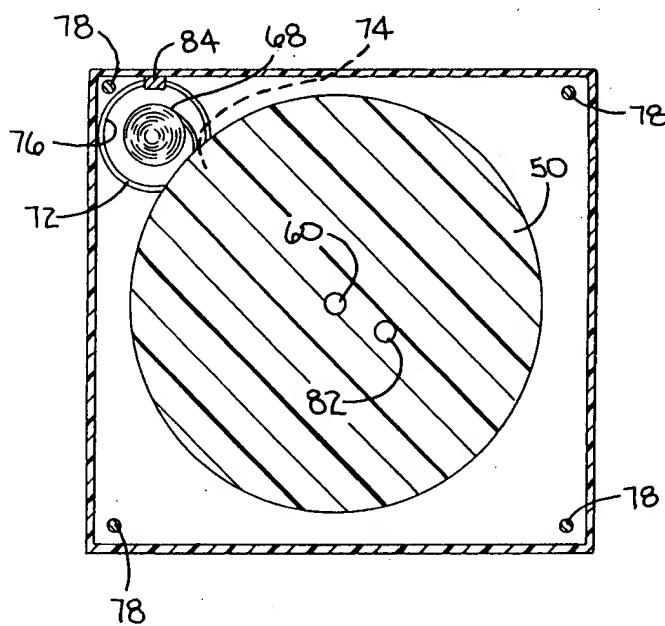


FIG. 5

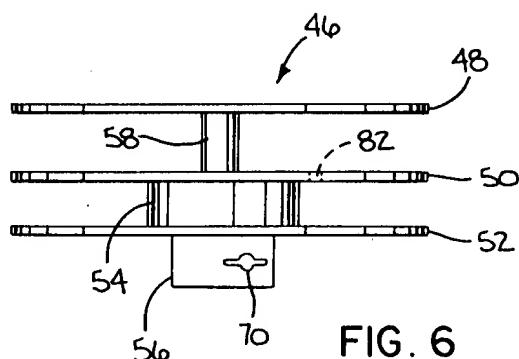


FIG. 6

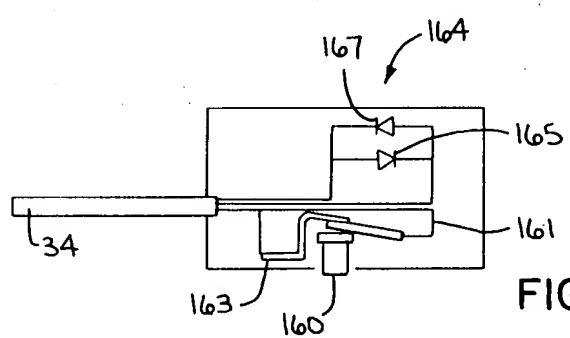


FIG. 8

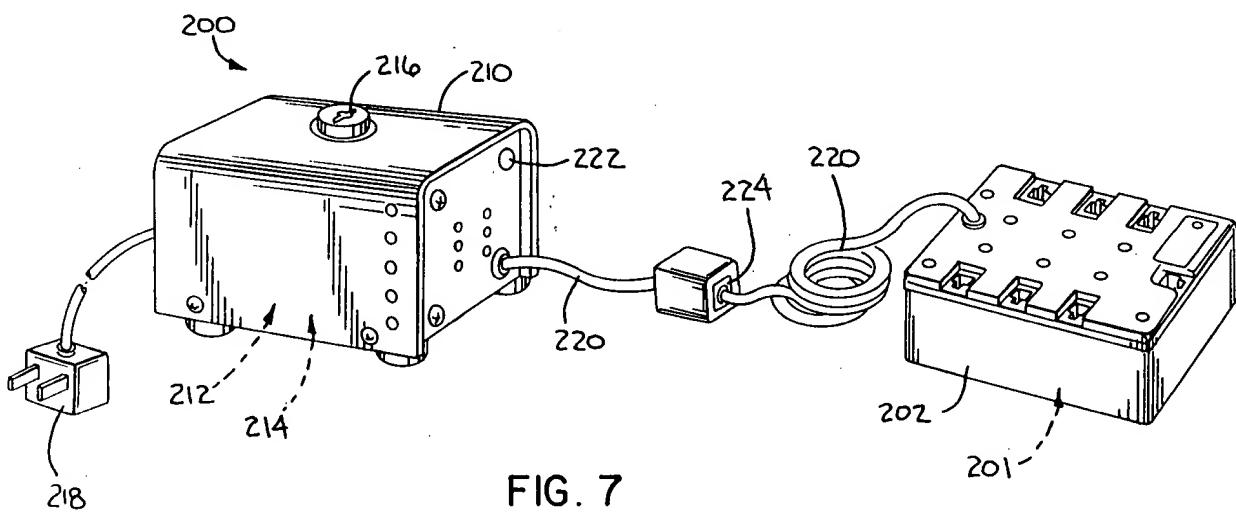


FIG. 7

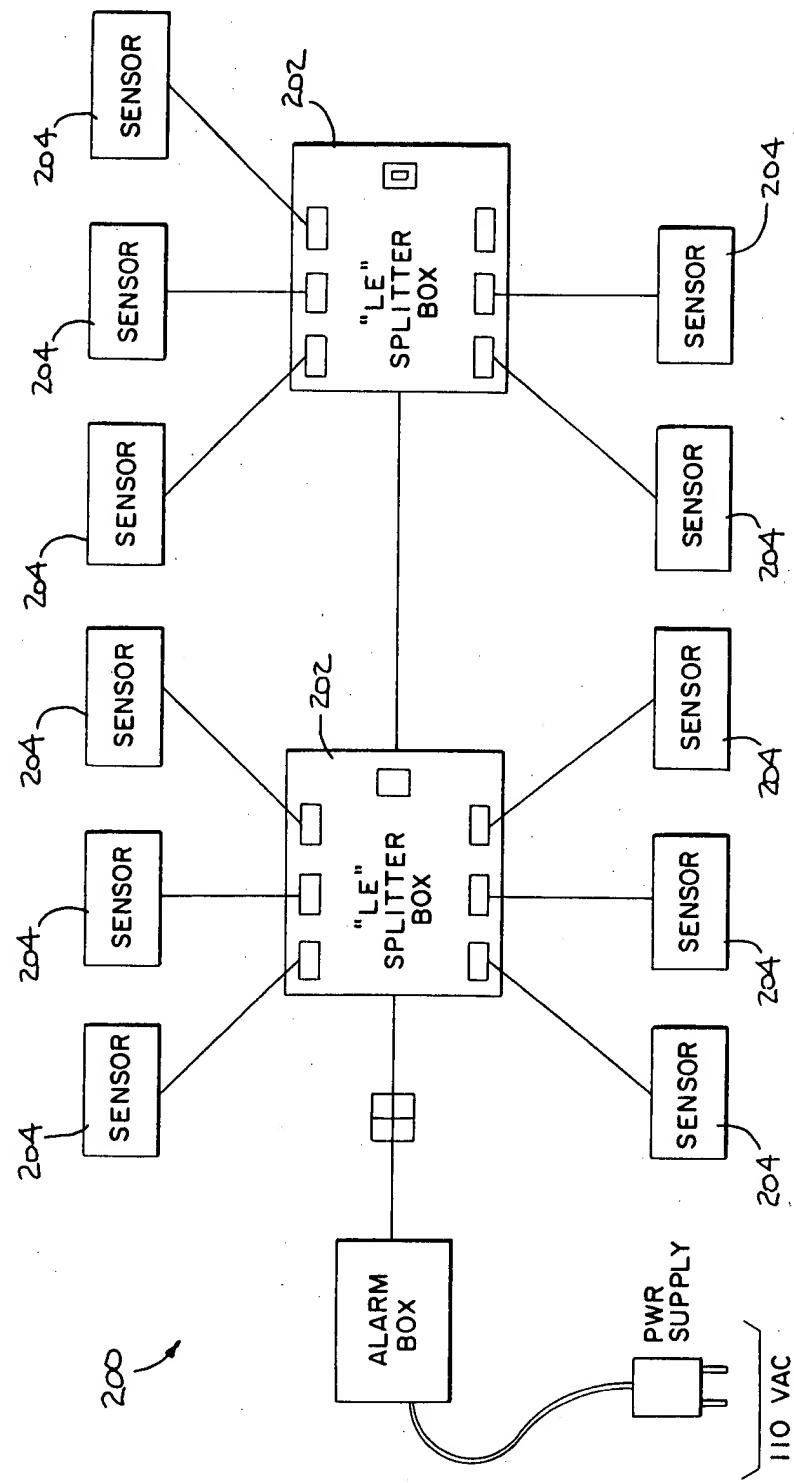


FIG. 9